

**UNITED STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA CIRCUIT**

GUNDERSON RAIL SERVICES, LLC
d/b/a GREENBRIER RAIL SERVICES,

Petitioner,

v.

NATIONAL LABOR RELATIONS
BOARD,

Respondent.

Consolidated Case Nos.

16-1232

16-1268

**PETITIONER’S ANSWER TO RESPONDENT’S
CROSS-APPLICATION FOR ENFORCEMENT OF AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD**

Pursuant to Federal Rule of Appellate Procedure 15(b), Petitioner Gunderson Rail Services d/b/a Greenbrier Rail Services hereby submits its Answer to the Respondent National Labor Relations Board’s Cross-Application for Enforcement of an Order of the National Labor Relations Board (“Board”) (“Cross-Application for Enforcement”), filed with the Court on August 2, 2016, as follows:

1. In response to the first paragraph of the Cross-Application for Enforcement, Petitioner admits that the Board issued its Order against Petitioner in Board Case Nos. 28-CA-093183, 28-CA-103909, 28-CA-104184, 28-CA-106613, 28-CA-111186, 28-CA-112806 and 28-RC-093179 on June 23, 2016, reported at 364 NLRB No. 30(the “Board Order”). Petitioner further admits that on July 7,

2016, Petitioner filed a petition with this Court to review the Board Order. Petitioner denies that the Board Order should be enforced and further denies any remaining allegations contained in the first paragraph of Respondent's Cross-Application for Enforcement.

2. In response to the second paragraph of the Cross-Application for Enforcement, Petitioner admits that this Court has jurisdiction over Respondent's Cross-Application for Enforcement and that venue is proper in this Circuit, but because of the errors committed by the Board as referenced in the Petitioner's Petition for Review and its Statement of Issues to be Raised, the Petitioner denies that any unfair labor practice has occurred and denies that the Board is entitled to the relief sought in its Cross-Application. Petitioner denies any remaining allegations contained in the second paragraph of Respondent's Cross-Application for Enforcement.

Dated: August 23, 2016

Respectfully submitted:

/s/ S. Libby Henninger

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CERTIFICATE OF SERVICE

I certify that on August 23, 2016, the foregoing was served on all parties or their counsel of record via email and United States Mail:

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